

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>JESSIE L. MARTIN, JR.,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:18-cv-358-SPB-RAL</b>
	)	
<b>WARDEN OF FCI McKEAN CAMP,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM ORDER**

This action for habeas corpus relief was received by the Clerk of Court on November 13, 2018 and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. ECF No. 1, 4. On April 29, 2019, Respondent filed a suggestion of mootness based upon the Petitioner's recent release from prison. ECF No. 13.

On May 29, 2019, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the petition be dismissed as moot. ECF No. 14. The Petitioner filed Objections to the Report and Recommendation arguing that his case is not moot because of the fact that he is still serving a six-year term of supervised release. ECF No. 15. Respondent filed a response to Petitioner's objections on June 26, 2019. ECF No. 17. Therein, Respondent contends that Petitioner cannot make the requisite showing that he continues to sustain an on-going injury that will likely be redressed by a grant of his habeas petition. *Id.*; see *Burkey v. Marberry*, 556 F.3d 142, 148 (3d Cir. 2009).

After *de novo* review of the petition and documents in the case, together with the report

and recommendation, Petitioner's objections to the R&R, and Respondent's response thereto, the following order is entered:

AND NOW, this 27th day of June, 2019, IT IS ORDERED that the within petition for a writ of habeas corpus be, and hereby is, DISMISSED as moot. IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on May 29, 2019, ECF No. [14], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER  
United States District Judge

cm: Jessie L. Martin, Jr.  
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The Honorable Richard A. Lanzillo (via CM/ECF)